

# Legislative Appropriation For Heber Creeper Reduced To \$400,000

The State Legislature last week passed a bill appropriating \$400,000 for the renovation of the Heber Creeper railroad right of way before July 1, 1993, but allowing no additional funds for the state to purchase any of the rolling stock or other railroad assets.

The 1990 Legislature appropriated \$1.6 million for the Utah Department of Transportation (UDOT) to purchase and rehabilitate the railroad. But negotiations between the department and the owner of the railroad, Lowe Ashton, reached an impasse last October when Ashton said the state's offer would bankrupt the company.

Ashton said Saturday, "We recognize that this operation needs the infusion of new money and the simplest way to do it is to bring in a new operator. We're hoping that we, working with the state, can find a qualified, professional, operating railroad company, and we have three, interested, highly qualified entities, with a track record in

the railroad business. We have informed them of the State's action and they are in the process of developing their direct contact with the State."

The approved bill, sponsored by Sen. Alarik Myrin (R-Altamont), was substituted for one he submitted earlier in the session which would have reduced the 1990 appropriation by about \$370,000. That bill was defeated by one vote, but 12 of the 29 senators were off the floor during the vote and they all agreed to allow it to be reconsidered.

In the meantime, another bill, sponsored by Sen. Scott Howell (D-Sandy), repealing the entire appropriation, was still pending. So, Myrin substituted the \$400,000 appropriation and said that assures whatever company operates the railroad that the State will upgrade the track and will be a "willing partner."

However, the bill stipulates that the money is "to be used to im-

prove the State-owned railroad bed, track, and right-of-way...after the Department of Transportation and the Division of Parks and Recreation enter into a lease or leases with a third party approved by the Attorney General."

Myrin emphasized that a new lease agreement must be negotiated because the one that has been in place wasn't "tight enough" and was the cause of several disputes between the owner and the state.

According to the bill, the Attorney General must consider the following, in evaluating whether a proposed lease agreement is in the best interest of the State:

- a) The historical value of the scenic railroad;
- b) The economic value of tourism attracted into the state by the scenic railroad; and
- c) The State's investment in the railroad bed, track, and right of way facilities.

It stipulates further, "Each lease agreement shall designate the party responsible for maintaining the railroad bed, track, and right of way facilities and specify the condition to which they shall be maintained. Any funds...not expended by July 1, 1993 shall lapse into the General Fund."

The bill allows UDOT to keep another \$830,000 of the 1990 appropriation, for "State Construction", clearly removing stipulation linking it to the railroad. The bill remaining \$370,000 general fund.





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